

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL BURNHART,

Plaintiff,

v.

ROBERT MASKO, *et al.*,

Defendants.

Case No. C07-5045 FDB

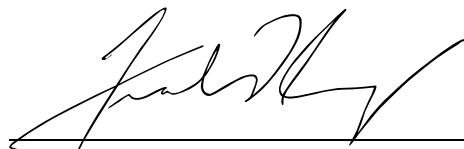
ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Magistrate Judge recommends that this civil rights complaint be dismissed without prejudice. As detailed by the Magistrate Judge, Plaintiff's claim for relief fails for failure to exhaust administrative remedies and lack of personal participation. Plaintiff has not filed an objection to the Report and Recommendation.

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE**.
- (3) Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants who have appeared, and to the Hon. J. Kelley Arnold.

DATED this 14th day of July, 2008.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE